IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 3RD DECEMBER 2007 / 12TH AGRAHAYANA 1929

WP(C).No. 17928 of 2004(H)

PETITIONER:

P.BAPPUTTY, PERIYATTIL HOUSE,
P.O.KOTHAMPARAMBA, KOZHIKODE.

BY ADV. SRI.G.PRABHAKARAN

RESPONDENTS:

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1. THE REGIONAL TRANSPORT OFFICER-CUM-
MOTOR VEHICLE TAXATION OFFICER, KOZHIKODE.

2. THE DEPUTY TRANSPORT COMMISSIONER,
NORTH ZONE, KOZHIKODE.

3. THE DISTRICT COLELCTOR, KOZHIKODE.

4. THE TAHSILDAR, (RR), KOZHIKODE.

5. THE TRANSPORT COMMISSIONER,
THIRUVANANTHAPURAM.

BY G.P. SMT.SMITHA SUKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF THE 'G' FORM DT.31.12.02 FILED BY PETITIONER INTIMATING THE NON USE OF THE VEHICLE.

P2: TRUE COPY OF DEMAND NOTICE ISSUED BY R1 DT.15.10.2003.

P3: TRUE COPY OF ORDER OF R2 DT.20.2.2004 REJECTING THE APPEAL AGAINST EXT.P2.

P4: TRUE COPY OF REVISION PETITION FILED BY THE PETITIONER BEFORE R5 DT.17.4.2004.

P5: TRUE COPY OF STAY PETITION FILED ALONG WITH EXT.P4 DT.17.4.04.

P6: TRUE COPY OF R.R. NOTICE DT.29.5.2004.

P7: TRUE COPY OF R.R. NOTICE DT.31.5.2004.

TRUE COPY

PA TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.17928 of 2004

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Dated this the 3rd day of December, 2007.

JUDGMENT

The W.P. was filed after filing revision petition before the Transport Commissioner against the order of the Deputy Transport Commissioner dismissing the appeal filed by the petitioner. Government Pleader submitted that revision filed was defective because petitioner did not enclose copy of the order and it is further submitted that even after pointing out the defect, petitioner has not bothered to cure the defect. In the circumstances, W.P. is closed leaving freedom to the petitioner to pursue the revision and follow up the matter. Respondents are free to proceed with recovery of tax subject to orders in revision if any passed.

C.N.RAMACHANDRAN NAIR
Judge

pms